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Attorneys for Plaintiff
Ronald Viernes

**UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII**

RONALD VIERNES,
and all others similarly situated,

Plaintiff,

vs.

DNF ASSOCIATES, LLC,

Defendant.

Case No: 1:19-cv-00316 JMS-KJM

**PLAINTIFF'S MOTION FOR
APPROVAL OF CLASS NOTICE**

Trial: May 18, 2021

Judge: Honorable J. Michael
Seabright

By Order dated January 22, 2022 (Dkt. 95), the Court granted Plaintiff Ronald Viernes' ("Viernes" or "Plaintiff") motion for class certification. The Court certified two classes:

- Class 1: (a) all Hawaii residents; (b) who were subjected to debt collection lawsuits by DNF; (c) while DNF was unlicensed as a debt collector in Hawaii; (d) to collect a "debt" as defined by the FDCPA; (e) that DNF bought while the debt was in default; and (f) where the collection lawsuit, letters, or calls occurred within the one (1) year period immediately preceding the filing of this complaint on June 19, 2019.
- Class 2: (a) all Hawaii "consumers" as defined by Haw. Rev. Stat. § 480-1; (b) who were subjected to debt collection lawsuits by DNF; (c) while DNF was unlicensed as a debt collector in Hawaii; (d) to collect a "debt" as defined by Haw. Rev. Stat. § 443B-1; (e) where DNF was assigned the debt; and (f) where the collection lawsuit commenced within the four (4) year period immediately preceding the filing of this complaint on June 19, 2019.

In accordance with Fed. R. Civ. P. 23(c)(2), Plaintiff needs to provide notice of the class action to all potential class members. *See Wang v. Chinese Daily News, Inc.*, 623 F.3d 743, 757 (9th Cir. 2010), judgment vacated on other grounds, 565 U.S. 801 (2011) ("The ordinary procedure is to give notice [to class members] at the time of class certification."). This motion is made following the conference of counsel pursuant to LR7.8 which took place on February 10, 2021. Counsel for Defendant consents to the class notice attached.

Accordingly, Plaintiff moves for an Order:

- A. Approving the form and content of the notice attached as Exhibit A;
- B. Directing Defendant DNF Associates, LLC, to furnish, in the form of an Excel Spreadsheet, the names, last known addresses, and account numbers of the class members to Class Counsel by a date certain;
- C. Directing the service by mail of the notice to the class members on or before 30 days following the deadline to furnish the class list; and
- D. Setting a deadline for class members to exclude themselves on or before 60 days following the deadline to serve the class notice.

Dated: February 17, 2021

/s/ Justin A. Brackett
Justin A. Brackett
Attorney for Plaintiff